

EV 901562262 US

October 11, 2006

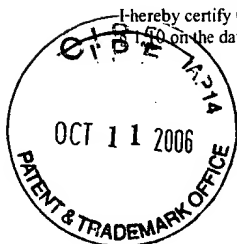
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By:

Nancy Foster



PATENT

Customer No. 22,852

Attorney Docket No. 07579-0006-01000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Graham Edmund KELLY)	Group Art Unit: 1616
)	
Application No.: 09/986,509)	Examiner: Edward J. Webman
)	
Filed: November 9, 2001)	Confirmation No. 5532
)	
For: TREATMENT OR REDUCTION)	
OF MENOPAUSAL SYMPTOMS)	
(as amended))	

MAIL STOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

SEVENTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

UNDER 37 C.F.R. § 1.97(c)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicant brings to the attention of the Examiner the documents listed on the enclosed IDS Form PTO/SB/08. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final action, Quayle action, or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), please charge the fee of \$180.00 as specified by Section 1.17(p) to Deposit Account No. 06-0916.

10/16/2006 WASFAW1 00000090 060916 09986509

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Copies of the cited Office Actions in issued or co-pending patent applications are not enclosed because they are available on the USPTO Image File Wrapper System of PAIR.

The United States Court of Appeals for the Federal Circuit held in *Dayco Products, Inc. v. Total Containment, Inc.*, 329 F.3d 1358, 66 U.S.P.Q.2d 1801 (Fed. Cir. 2003), that an “adverse decision” by another examiner may meet the materiality standard under the amended Rule 56, and thus, Applicant should disclose prior rejections of “substantially similar claim[s]” to the Office. Accordingly, although Applicant is not representing that the Office Actions in the co-pending applications are material to the present application and is not admitting that any of the other claims are substantially similar, out of an abundance of caution, Applicant has listed the substantive Office Actions filed in co-pending applications on the enclosed Form PTO/SB/08.

Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the enclosed form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute “prior art.” If the Examiner applies any of the documents as prior art against any claims in the application and Applicant determines that the cited documents do not constitute “prior art” under United States law, Applicant reserves the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the claimed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the
fee to Deposit Account No. 06-0916.

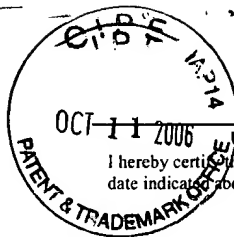
Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: October 11, 2006

By: Elisabeth Barek
Elisabeth Jaffe Barek
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CERTIFICATE UNDER 37 CFR § 1.10 OF MAILING BY "EXPRESS MAIL"



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By:

Nancy Foster
Nancy Foster

IDS Form PTO/SB/08: Substitute for form 1449A/PTO				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				<i>Application No.</i>	09/986,509
				<i>Filing Date</i>	November 9, 2001
				<i>First Named Inventor</i>	Graham E. KELLY
				<i>Art Unit</i>	1616
				<i>Examiner Name</i>	Edward J. WEBMAN
Sheet	1	of	1	<i>Attorney Docket Number</i>	07579.0006-01000

U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS					
Examiner Initials	Cite No.	Document Number	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code (if known)			

FOREIGN PATENT DOCUMENTS						
Examiner Initials	Cite No.	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation
		Country Code Number Kind Code (if known)				

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation
		Response to Office Action filed in U.S. Patent Application No. 10/459,537 on June 20, 2006 (Atty. Docket No. 07579.0013-01000).	
		Office Action mailed in U.S. Patent Application No. 10/600,004 on June 29, 2006 (Atty. Docket No. 07579.0015-01000).	
		Amendment and Response filed in U.S. Patent Application No. 10/600,004 on October 3, 2006 (Atty. Docket No. 07579.0015-01000).	

Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.